

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JEFFREY A. COTTRILL,
Sergeant,

Plaintiff,

v.

CIVIL ACTION NO. 2:03-0287

DAVE TUCKER,

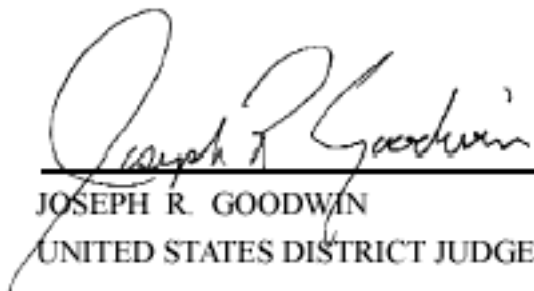
Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is the plaintiff's Motion for Reconsideration/Relief of Judgment Order Dismissing This Case Under Summary Judgment [Docket 56]. As discussed in the court's Order dated October 21, 2004, counsel of record for both parties settled this case. Specifically, the defendant represented to the court that further proceedings in this case had been foreclosed by agreement of counsel [Docket 51]; counsel for the plaintiff averred that this representation was true [Docket 54]; and the plaintiff himself declined to deny the existence of the agreement [Docket 52]. Accordingly, the plaintiff's motion for reconsideration [Docket 56] is **DENIED**.

The court **DIRECTS** the Clerk to send a copy of this Written Opinion and Order to counsel of record and any unrepresented party.

ENTER: June 6, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE